

**Summary of EPA Science Advisory Board (SAB) Staff Office**  
**Session on Public Involvement in EPA Science Advisory Board Activities**  
**September 26, 2002**  
**Hotel Washington, 515 15th Street, NW**  
**Washington, DC**  
**Stakeholder Meeting Report**

**1. INTRODUCTION: BACKGROUND AND OVERVIEW**

The EPA Science Advisory Board (SAB) Staff Office held a public session on public involvement in SAB activities in Washington, D.C. on September 26, 2002. An invitation to attend the session was published in the Federal Register on September 5, 2002 (67 FR 56831-56832). The Federal Register Notice also invited members of the public who could not attend the meeting to contribute information by email for consideration by the SAB Staff Office.

The session was the first in a series of semi-annual public sessions that the Office of the EPA SAB Staff plans to hold with the public as part of its ongoing effort to improve policies and procedures at the Board. The purpose of the public involvement sessions was to hear public concerns and suggestions for additional improvements in SAB policies and procedures. The EPA SAB Staff Office plans to consider these concerns and suggestions as it develops guidance and plans for the Staff Office in its support of the EPA SAB. The SAB Staff Office will report on public concerns and suggestions to the EPA SAB's Policies and Procedures Subcommittee, as appropriate.

The SAB was established by Congress in 1978 by the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA) (42 U.S.C. 4365). Since that time, the EPA SAB Staff Office, has reported directly to the Administrator and has supported the work of the SAB. Composed of non-Federal government experts, the SAB provides the Administrator with outside, independent advice on scientific, engineering, economics, and social sciences issues that impact the technical basis for EPA positions, including regulations, guidance, and research plans. Generally, the SAB does not address policy aspects of problems confronting the Agency, since such matters are the jurisdiction and responsibility of the EPA Administrator.

The SAB conducts its business in public view and benefits from public input during its deliberations. Through these public proceedings, Agency positions are subjected to critical examination by leading experts in various fields who serve on SAB Committees and Panels. By statute, the Board is subject to the provisions of the Federal Advisory Committee Act that require public access and public input into the advisory processes.

In addition, the EPA SAB Staff Office held this meeting to improve processes for public access and public input, as part of the Agency's overall efforts to implement its Draft Public Involvement Policy [65 FR 82335-82345, December 28, 2000]. Consistent with that policy, the SAB Staff Office recognizes that it serves the general public,

because every person living in the United States is an ultimate beneficiary of EPA actions to protect public health and the environment when those actions draw upon SAB advice.

Eighteen members of the public attended the Public Involvement Session and three sets of written comments were received related to the meeting.

The meeting began with a plenary session that provided an update on recent efforts to strengthen the SAB's panel formation process. The plenary session then oriented participants to the two major topics for discussion: "Public Involvement in SAB Meetings and Report Development" and the "SAB's Public Access Website" (<http://www.epa.gov/sab>). Break-out sessions then focussed on two topics: 1) public involvement in SAB meetings and report development and 2) the SAB Public Access Website. SAB Staff sought participants' views about the most valuable aspects of those mechanisms for informing and involving the public and participants' suggestions for additions or changes. The Staff sought to learn the range of views of participants and specifically did not seek a consensus from them. The meeting concluded with a discussion of participants' suggestions for topics for future public involvement sessions to be held being planned by the EPA SAB Staff Office.

This Meeting Summary briefly documents the discussions on September 26, 2002. Appendix C presents the points made by members of the public, as captured on flipcharts at break-out sessions and group discussions. Section 2 of this Meeting Summary presents the major themes that the Science Advisory Board believes emerged from the discussion. Section 3 briefly discusses next steps for the Board regarding issues discussed at the public session and plans for the public session to be held in the Spring of 2003.

## **2. MAJOR THEMES**

Although the SAB Staff Office had identified two major topics for discussion at the public session (public involvement in SAB public meetings and the development of SAB reports and improving the SAB's public access) many of the comments at both break-out sessions and at the plenary session concerned the Board's new panel formation process and the need for transparency in forming panels. Appendix C shows the many suggestions made regarding the panel formation process.. Many comments related to providing the public with more information about ethics and SAB Staff Office decisions about conflicts-of interest and balancing panels.

On the specific topic of public involvement in SAB public meetings and the development of SAB reports, participants suggested ideas for improving committee and panel operations and for clarifying the roles of participants in SAB activities, whether those participants were chairs of committees or panels, members of committees or panels, SAB Staff, other EPA Staff, or members of the public.

Participants also suggested that the SAB compare its operations with those of other entities that provide science advice.

Participants provided many ideas for improving communication with the public, so members of the public would be more aware of and informed about SAB activities, and so they could participate in a more meaningful way. A major point expressed was the need to clarify the role of public comments in the SAB advisory process and how the SAB responds to comments and takes them into consideration. Participants also suggested the Board explore how it might facilitate different parts of the public interacting with each other through the web as part of the advisory process

On the topic of the SAB's public access website, participants made many suggestions for improvement. They identified new kinds of information that would be valuable to add, including additional information about panel formation. Participants suggested that the Board consider the different audiences for the public access website and the different potential purposes the website it can serve, for them, including serving as a mechanism for the public to submit comments.

Participants suggested reference sources for improving the website and a range of practical ideas, such as a site map or index and a search function, for making the website more user friendly.

Participants also provided suggestions for process improvements in areas that were not the focus of the session on September 26, 2002. In addition to suggestions regarding the panel formation process, several participants suggested the Board clarify how considerations of conflict-of-interest and balance enter into the appointment of members of SAB Standing Committees. Another major topic of interest related to public involvement in the SAB's choice of projects and the potential for clarifying the public role in that process and possibly involving the public in some way.

### 3. NEXT STEPS

In response to participants' feedback that they found value in the Board's proposal to hold regular planned sessions on public involvement in EPA SAB activities, the SAB Staff Office plans to hold semi-annual public sessions on the topic. The next meeting will be held in April 2003.

The Staff Office plans to develop guidance for Chairs of panels, members of panels, SAB Staff, Agency Staff and members of the public to clarify their roles and the role of public involvement in SAB reports and meetings. It envisions a document modeled on the document published by the National Academies of Science, *Roles of the Panel Chair*. The Staff Office will consider the comments provided at the September 26, 2002 public session in developing the guidance, along with ideas and information provided by Agency Staff and SAB Members and Consultants.

The Staff Office is committed to introduce further improvements to its public access website and consider the ideas provided by participants at the September 26, 2002 session in that process.

The SAB Staff Office will continue to improve its implementation of the panel formation process to make that process more uniform across panels and to improve mechanisms for informing the public at different stages of the process. The Staff will consider the ideas provided by participants at the September 26, 2002 meeting as the process for panel formation is "fine tuned."

The public involvement session in the Spring of 2003 will be announced in advance in the Federal Register. The session will address progress on the activities discussed immediately above and will likely feature focussed breakout session discussions of one or two selected aspects of public involvement in SAB activities.

## APPENDIX A AGENDA

### **EPA Science Advisory Board (SAB) Staff Office Session on Public Involvement in EPA Science Advisory Board Activities**

**September 26, 2002  
Hotel Washington, 515 15th Street, NW  
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#### **Plenary Session**

9:30-9:40	Welcome and Introduction to Session	Dr. Vanessa Vu, Director, SAB Staff Office
9:40-10:20	Update on SAB Policies and Procedures	
	Recent Changes in Panel Formation at the SAB Discussion (5 minutes)	Dr. Angela Nugent, Special Assistant, SAB Staff Office
	Orientation to Public Involvement in SAB Meetings and Report Development and Orientation to the SAB Public Access Website Discussion (5 minutes)	Mr. Robert Flaak, Acting Deputy Director, SAB Staff Office

#### **Breakout/Discussion Sessions**

10:35-11:40	Charge to Breakout Groups	Dr. Angela Nugent
10:40-11:30	Concurrent Breakout Session A	Facilitated Session: Topic 1: Public Involvement in SAB Meetings and Report Development-- Capital Room -- Facilitator: Mr. Fred Butterfield  Facilitated Session: Topic 2: SAB's Public Access Website-- Council Room--Facilitator: Ms. Kathleen White

11:40-12:30	Concurrent Breakout Session B	Facilitated Session: Topic 1: Public Involvement in SAB Meetings and Report Development-- Capitol Room -- Facilitator: Mr. Fred Butterfield
		Facilitated Session: Topic 2: SAB's Public Access Website-- Council Room--Facilitator: Ms. Kathleen White
12:30-1:45	Lunch	
1:45-2:15	Report of Highlights from Morning Breakout Sessions	Facilitated Session
2:15-2:45	Topics for Future Sessions on Public Involvement in EPA SAB Activities	Facilitated Session
2:45-3:00	Wrap-up	Dr. Vanessa Vu

## APPENDIX B LIST OF ATTENDEES AND PERSONS WHO REGISTERED

John Arnett  
Copper & Brass Fabricator Council

Nancy Beck  
Office of Management and Budget

Juliana E. Birkhoff  
RESOLVE

Rick Blum, Sr.  
Center for Science in the Public Interest

Ted Cartwright  
American Society for Microbiology

David Clarke, Sr.  
American Chemistry Council

Jessica Coleman  
Children's Environmental Health  
Network

James Dean  
General Services Administration

Jon Devine, Sr.  
Natural Resources Defence Council

Dan Durett  
National Council for Science and the  
Environment

Steve Gibb  
Risk Policy Report

Julie Greene  
National Council for Science and the  
Environment

Steve Gurney  
Natural Resources Defence Council

Alex Hecht  
National Multi Housing Council

Steve Lester  
Center for Health, Environmental, and  
Justice

Pat Phibbs  
BNA, Inc. Daily Environment Report

Carolyn Poppell  
Physicians for Social Responsibility

Tom Purcell  
American Petroleum Institute

J. Alan Roberson  
American Water Works Association

Craig Schiffries  
National Council for Science and the  
Environment

Neil Shah  
Risk Policy Report

Leonard H. Shen  
General Electric Co.

Jim Solyst  
American Chemistry Council

Annette Veilleux  
American Geological Institute

## **APPENDIX C. TRANSCRIPTIONS OF "FLIPCHART SUMMARIES" OF BREAKOUT DISCUSSIONS AND PLENARY GROUP DISCUSSIONS**

In the two sets of break-out sessions, participants were asked to address two major questions: "What current features of SAB processes are most valuable?" and "What features should be added or changed?" SAB Staff captured the major points made by participants and transcribed them into the "Summaries" below. These summaries were presented in a plenary public session, and additional comments made at that time were also captured.

The points below reflect comments made by individuals. There was not effort at the meeting to identify a consensus among the participants.

The "Summaries" below are intended to capture the different ideas, questions, and suggestions made. Several of the points do not directly address the question posed in the break-out group, but are included as a record of points made during the discussions.

### **Topic 1) Summary of Discussions of Public Involvement in SAB Meetings and Report Development**

- A) What current features of SAB processes for public involvement in SAB Meetings and report development are most valuable?
  - 1) "Visibility," transparency of process at every stage (prior to, during meeting), e.g., Metals Assessment Panel
  - 2) Continuous process improvement, recognition of ever-evolving nature of process to reflect needs of stakeholders
  - 3) Delineate clear lines of communication -- metals plan made clear no "ex parte" or private contact allowed
  - 4) SAB Staff responsive and polite
- B) What features should be added or changed?
  - 1) Panel formation
    - (a) Improve consistency of availability of background information available to public concerning panel members (e.g., affiliation, funding relationships, research interests, expertise, etc., such as: business/industry, academic, NGO/interest groups, etc.)
    - (b) Don't rely exclusively on current affiliations like "industry, academic, environmental groups," etc." to categorize people
    - (c) Also consider scientific viewpoints, job history
    - (d) Look broadly at funding
    - (e) Improve/enhance public disclosure without disclosure of personal information (privacy act)
    - (f) Find ways to involve experts who don't have time or money to participate
    - (g) Break out of the pattern of using the same experts for many panels
    - (h) Biggest impact will be from reaching out very broadly in widecast
    - (i) Take time needed to evaluate COI issues
    - (j) Explore how to provide resources to persons unable to participate



- because of resource constraints
- (k) Address concerns that changes from GAO report in panel formation process might
    - Inhibit potential candidates
    - May make agency selectors too sensitive to these potential COIs for panel candidates
    - Suggestion: survey pool of potential SAB panel candidates to see what impacts criticism (public, private) have on their willingness to serve
- 2) Improve Committee/panel operations
    - (a) Chairs need to ensure fairness and a good experience for all panelists-- panelists in past have felt "shut out"
    - (b) Have exit interview for panel members
    - (c) Be aware of issue of "mission creep" – panel taking on issues beyond the charge and not being equipped to address issues broader than those they were formed for
  - 3) Clarify roles of participants-- chairs, members, SAB staff, Agency staff, public
  - 4) Benchmark with other science advisory bodies, e.g., National Science Board, PCAST
    - (a) House of Representatives Bill addresses major process issues involving the NSB. SAB should track that.
  - 5) Improve communications
    - (a) Feedback to public will encourage involvement
    - (b) Address problem of notification – need to alert interested parties
    - (c) FR announcements of short list, other important phases of a project
    - (d) Don't just rely on *Federal Register*
    - (e) DFO's individual e-mail lists of interested "publics" a good thing, but go beyond that
    - (f) Approach scientific journals, academic journals like the *Chronicle of Higher Education* to publicize panel formation
    - (g) Go beyond current list server -- Broadcast SAB interest in enhancing communication - solicit e-mails
  - 6) Address the "SAB black hole" – people don't know what's done with comments they provide.
    - (a) Solicit and retain e-mail addresses from public interested in issues and keep them informed
    - (b) Develop/communicate mechanism or guidelines about what SAB does with public comments
    - (c) Feedback to public will encourage involvement
  - 7) Share public comments SAB receives broadly--public can comment on each others' comments
    - (a) Precedent with other agencies
    - (b) Virtual town hall
    - (c) Would require comments to be submitted electronically
    - (d) Dialogue among stakeholders likely to improve science advice to Administrator

- (e) Also serve public education function
- 8) Clarify what SAB expects from public comments
  - (a) Clarify what “involvement” means (clarify depth and type of public involvement we want). Tell people what the Board wants comments on..just the science? the policy? the SAB overall agenda?
  - (b) Give public a “charge” like we give a panel a charge. Would reduce frustration, help people participate, help people plan and use their resources
- 9) Be clear in reports to identify where a panel is going beyond the charge, and beware of "mission creep" in panels
- 10) SAB overall agenda setting
  - (a) Address how much public involvement SAB wants in overall agenda setting
  - (b) Some participants want involvement in agenda setting
  - (c) SAB could take public comment on proposed annual agenda – those comments could factor into decisions about which projects to work on (decisions made by SAB Executive Committee chair and Agency leadership)
  - (d) Agenda setting = deciding what topics does SAB address
  - (e) Public may have some assumptions about kinds of projects SAB should take up
  - (f) SAB should function as channel to stimulate EPA to address scientific issues of public concern
  - (g) Communicate how SAB annual agenda is set
  - (h) Does SAB have a strategy for public involvement in agenda setting and how “we” can be involved in it?

## Topic 2) Summary of Discussion of SAB Public Access Website

- A) What current features of SAB processes are most valuable?
  - 1) Panel formation section
  - 2) New website is easier to use
  - 3) People who got to the website to see what SAB is taking up, find what they need
  - 4) Reports for listed years are easy to find
  - 5) Pretty easy to find out what's going on in terms of activities, meetings, schedules, etc.
- B) What features should be added or changed?
  - 1) Adding More Information About the SAB
    - (a) Statistics about members and panelists relating to balance and distribution of expertise
    - (b) Information that would allow outsiders to make an independent determination on balance-- this means more than the current biosketches and criteria for the panel
    - (c) Some information is in FR notice; would be user friendly to repeat on Panel Formation page.
    - (d) Adding a summary statement about balance sought and achieved
    - (e) More communication with the general public to provide more introductory material about how SAB operates
    - (f) Add ethics training
  - 2) Adding Specific Types of Documents
    - (a) Public comments (could require in electronic format)
    - (b) Also, comments on public comments can enrich discussion
    - (c) Ask: Is there enough information on the site to inform the public well enough that they can participate?
    - (d) Biosketches could be more consistent. Example: funding sources
    - (e) Information on grants of waiver and why
    - (f) A comprehensive reports list
    - (g) With instructions on ordering those not on site
    - (h) Possibly with abstracts
    - (i) There are few transcripts
    - (j) Material submitted to SAB or presented at public meetings is very spotty (such as written public comments or overheads used in oral public comment)
    - (k) Adding a list or menu of items that could be seen if one came to the office, even if SAB was unable to post them on the web. For example, FACA file checklists
    - (l) Historical panel formation information on active panels
    - (m) Initial panel writings could go on website stamped draft and appropriately caveated
    - (n) Biosketches for existing Committees, not just newly formed Panels
    - (o) Show when Committees get to deliberation stage
    - (p) Present statistics about the Board. Report by sector, showing numbers of

- industry scientists and scientists by sector overall and panel-by panel
- (q) Summarize balance sought and achieved, taking more complete view of funding and experience, also "balance of scientific perspectives"
- (r) Hard to find rosters for standing committees
- 3) Understanding the Audience and its needs
  - (a) Can we track users and learn more about them?
  - (b) Perhaps using Domain hits
  - (c) There are several potential purposes for the Website:
    - Informing the Public (one way communication)
    - Public Participation (requires richer communication and education, perhaps via links)
    - Public Deliberation (example, was web boards, when comments are posted, people can comment on comments--helpful)
    - Archive function
  - (d) Attention to Elkin's 4th point "Public is Primary Client" It may slow things down but people will be happy
- 4) Making the Website More User Friendly
  - (a) Some information that is in FR or other documents could be repeated in Panel Formation Section, such as charge, expertise desired, etc.
  - (b) Add a site map (graphic or hierarchical)
  - (c) Letting people provide their comments through the web
  - (d) Adding an index
  - (e) Adding a search function
  - (f) Make it easier to find rosters for standing committees
  - (g) Organization of SAB website is not intuitive
- 5) Good Sources of Information for SAB
  - (a) OEI/Public Involvement group -- make use of what they learned, add links to educate
  - (b) OMB website is one of the best in government, it is branched appropriately and, because Agencies know their discussions will be posted, it improves the nature of the deliberations
  - (c) NAS is good, but lacks organizational chart. Once you click on the project, you can go easily from there to related activities
- 6) Site is not used enough by media.
  - (a) referenced recent Washington Post article on HHS advisory committees. It would have been nice if the SAB's website could have been given as an example of going beyond what HHS is doing
  - (b) There is a Society for Environmental Journalists.
- 7) Marketing

Topic 3) Plenary Session -- Additional Points Made

- A) Who is the SAB leadership? -- not clear in "Overview of Panel Formation Process"
- B) Also at what stage is leadership consulted (in panel formation)?
- C) Do SAB Staff make complaints about panelists available to the public?
- D) Goal is to get best people to serve; don't want to discourage them
- E) Keep deliberations in the meeting and visible, not *ex parte*
- F) Balance -- How do we do it? How do we know when its good enough? How do we explain it?
- G) Plan workshop on Conflict of Interest, balance and bias
- H) GAO report, not that process was broken but that it was not transparent
- I) Ethics training - website could provide information
- J) Education needed along with definition of Conflict of interest
- K) How do decisions get made about Members of Committees? How does information about conflicts of interest and balance factor in?

#### **APPENDIX D LIST OF WRITTEN COMMENTS RECEIVED RELATED TO THE MEETING**

1. Mr. Charles L. Elkins, Chuck Elkins & Associates, to Dr. Angela Nugent, September 25, 2002.
2. Letter, Mr. David Clarke, American Chemistry Council to Dr. Vanessa Vu, September 30, 2002
3. Letter to Dr. Vanessa Vu, October 3, 2002, from Mr. Steven G. Gurney, Natural Resources Defense Council; Dr. Rick Blum, Center for Science in the Public Interest, Daniel J. Swartz, Children's Environmental Health Network, Rick Hind, Greenpeace USA, David Wallinga, Institute for Agriculture & Trade Policy, Susan West Marmagas, Physicians for Social Responsibility, Jon P. Devine, Natural Resources Defence Council, Virginia Ashby Sharpe, Center for Science in the Public Interest, Stephen Lester, Center for Health, Environment & Justice, Charlotte Brody, Health Care Without Harm, and Julie Wolk, US Public Interest Research Group